(1)

NO. 90-1347

Supreme Court, U.S.
FILED
JAN 25 1991
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

WINSTON C. BABER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Winston C. Baber
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(504) 522-4145

QUESTIONS PRESENTED

1. Does the Court of Appeals for the Fifth Circuit have the right to deny petitioner from having a jury trial when he is contesting that his Constitutional rights are being violated by illegal laws and they tell him he does not have standing, whereas the rules that he is supposed to live by, and be protected by, are embodied in said Constitution.

2. Does the Court of Appeals for the Fifth Circuit have the right to violate their oath to support the Constitution, in not recognizing that if certain provisions as to foreign federal expenditures are not pursuant to said Constitution, then those provisions are illegal and are left to the people under Amendment X of said Constitution and does not constitute a frivolous case, but instead represents the inability of the judiciary either purposely or thru lack of knowledge, to perform their job.

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NO. _____

IN THE
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WINSTON C. BABER,

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v.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

Winston C. Baber, hereby petitions for a writ of certiorari to the Court of Appeals for the Fifth Circuit, enabling this Court to review the Fifth Circuit's judgment in Winston C. Baber v. United States of America No. 90-3430 (5th cir. 1990) blocking his right to a trial by jury as to Constitutional questions and calling his challenge a frivolous case.

OPINIONS BELOW

The opinion of the United States District Court for the Eastern District of Louisiana was issued on June 1, 1990 (CA89-5159) and is reprinted as Appendix A to this petition. A temporary restraining order was requested and that rejection dated December 4, 1989 is reprinted as Appendix C to this petition. The opinion of the United States Court of Appeals for the Fifth Circuit is reprinted as Appendix B to this petition.

JURISDICTION

The opinion and judgment of the Court of Appeals for the Fifth Circuit were issued on October 29, 1990 (Appendix B). A re-hearing was not requested since your Petitioner felt as if the Court's original judgment contained a biased and prejudiced attitude and would have resulted in a waste of time.

CONSTITUTIONAL PROVISIONS INVOLVED

Laws to be pursuant to Constitution ---------- Paragraph 2, Article VI

Petition of grievance by citizens ---------- Amendment I

Jurisdiction of Judicial Action for citizens ----- Section 2, Article III

Authority for Congress to raise money ---- Sec. 8, Article I Amendment XVI

Authority for Congress to spend money ---- Sec. 8, Article I

Mandate for Congress to pay debts ------ Sec. 8, Article I

Powers not delegated to Congress ---------- Amendment X

STATEMENT OF THE CASE

This is an action brought by a natural born citizen of the United States deriving rights under the Constitution of the United States, and calling attention to the fact that Congress and the President of the United States are violating his rights

under the Constitution, by supporting foreign governments illegally with his tax money under Public Law 101-167, entitled Foreign Operations, Export Financing and Related Programs Appropriations Bill and many previous Acts of the same nature; as well as failing to pay the debts of the United States as mandated by Article I, Section 8 of the Constitution. He asked for a trial by jury, was granted a trial date of September 17, 1990 by jury, but that trial date was blocked by a judgment of dismissal dated June 1, 1990 which did not render justice but merely blocked justice from being decided in a duly assembled court of law in a trial by jury where witnesses, facts and evidence could be presented. This deprived petitioner of due process of law as guaranteed to all citizens.

STATEMENT OF FACTS

Petitioner is a natural born citizen of the United States of America. His rights are derived from a Constitution which has been in existence since September 17, 1787. All laws passed by Congress have to be in pursuance to the Constitution and any Amendments adopted since its inception.

The Constitution allows the government, through Congress, to lay and collect taxes to run the affairs of the United States of America and to pay the debts incurred (Article I, Section 8).

The Constitution does not provide for money to be spent for the support of any other government other than the United States of America, and no Amendment has ever been adopted to change this.

Since 1946, the Congress has been passing various public laws annually in which they have provided support and aid to over 160

foreign countries. This is illegal as they are usurping rights not granted to them under the Constitution. They can only appropriate money for the use of this country. Otherwise, appropriations for foreign governments would not be in pursuance to the Constitution and would be illegal (Article VI) and results in the misappropriation and theft of Petitioner's tax money.

Much of this illegal support is money that the government does not have and they then borrow it and this increases our national debt, which is now 3.1 trillion dollars.

This latter policy then leaves Congress and the President derelict in carrying out their duties by not paying the debts of the country as they are mandated to do under the Constitution, but instead are guilty of illegally giving the country's money away and not paying the debts.

With a national debt, interest payments have to be made and as the debt mounts, so does the interest payments.

The interest payments are derived from the taxpayer money collected from the citizens and this includes the Petitioner. As more interest is paid on the national debt, it leaves less money for the internal improvements, general welfare, and defense of the country and presently approximately 20% of the national budget is paid out in interest payments on the national debt.

As less money is available to take care of the internal improvements, general welfare and defense of the country, Congress then increases taxes to provide against the shortfall. This causes your Petitioner's cost of living to rise against sometimes lower cash flow.

All of the foregoing leaves the Petitioner with a grievance against the government and

Amendment I of the Constitution grants him the right to address it.

The proper lower court with proper jurisdiction was chosen to protect Petitioner's rights under the Constitution, but instead of letting justice prevail in a trial by jury, the judge blocked justice by illegally dismissing the Action.

Now we are in a backup system (U.S. Supreme Court), in which such Court is to protect a citizen from Kangaroo Court decisions and to see that justice is properly administered.

THE DISTRICT COURT DECISION

The District Court judge stated that Petitioner failed to point to any specific Constitutional provision that the expenditure (Public Law 101-167) violates and it was not enough just for the Petitioner to allege that there is no provision which

allows the expenditure, and therefore he would not have standing.

That is why the 10th Amendment is in the Constitution so that if something is not definitely allotted to the government to administer, then those items are left to the States or the people. In this instance, since foreign support of governments is not included, then that issue which the States have not addressed, would be left to the people to deal with in any manner they see fit, whether it be to ignore support of foreign governments completely or take care of it as a charity measure by private citizens, voluntary organizations, foundations or church groups, etc.

Therefore, since the district judge is sworn to support the Constitution, he is supposed to know its provisions and he should readily see that since foreign

support of governments is not authorized, then he should know that foreign appropriations would not be pursuant to the Constitution under Article VI, paragraph 2, thereof and he would have had to allow this matter proceed on to trial by jury so justice could be rendered either as a negative or positive decision.

THE COURT OF APPEALS DECISION

The Court of Appeals judges more or less rubber stamped the District Court Decision and implied that your Petitioner was now ruled by previous court decisions rather than the wording of the Constitution. They further stated that my allegations of mismanagement of taxes and increased tax payments resulting from the increased national debt and the interest thereon are common to all members of the public and do

not amount to a personal stake in the outcome of the controversy and therefore Petitioner lacks standing.

This thinking is definitely a biased reaction by appointed judges in favor of the federal government because any time taxes have to be raised to partly offset increased interest payments and principal payments on unconstitutional illegal foreign appropriations, and such action increases the taxes of your Petitioner and other taxpayers, then a taxpayer such as your Petitioner, does have a personal stake in the outcome of the controversy and does not result in a frivolous case.

REASONS FOR GRANTING THE WRIT

The District Court and the Circuit Court of Appeals state that your Petitioner does not have the standing either as a taxpayer or a citizen to bring this Action. If

that is true, then there are 250 million Americans who have no more rights and are presently being held hostage by Congress, by the Justice Department and the Courts. This would mean that the Constitution of the United States has been torn up, destroyed and the masses are now under Totalitarian rule.

If this is the status of the United States, then it is illegal, for the people of the United States have not amended the Constitution to provide for its abolishment. Therefore, as one of the people, I and the other citizens still have control under Amendment X of any power not granted to the United States under the Constitution. Since support of foreign governments is not a part of the Constitution, then that would have to be done privately and not publicly, unless in the future the people of the United States approve an Amendment allowing this to be done.

Therefore, Congress does not have any control over foreign aid and the United States Attorney, the Justice Departments, and the government can recite all of the jurisprudence that they want to, including all of the many cases included in the judges opinions and they do not mean a thing. They are just wasted space on a page. No previous decisions made can change the wording and the meaning of the Constitution unless it is amended, unless the government has secretly adopted a policy of Totalitarian rule and not allowing citizens to have the right to address a grievance and thereby have their day in court. Petitioner is aware that this is not the case.

The one basic weakness that we may have in our federal court system is that all district, magistrate, appeals and supreme court judiciary are appointed by the

President and approved by Congress, as well as all U.S. Attorneys and the Attorney General. Therefore, when a case arises where Congress is usurping the Constitution, there possibly can arise politics as to the outcome, and an ordinary citizen could get shut completely out of a court trial because of biased feelings in favor of the federal government.

Ironically, in the illegal Public Law 101-167 which is the main subject of this Action, in Title V, Section 511, subtitled, 'Human Rights', said section is quoted as follows:

> "Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights."

The foregoing is acknowledging that citizens of various countries should not be oppressed, should have reasonable freedom of movement and speech, should not be subject to torture and should have access to the courts and for fair trials. Our own government is making the foregoing demands on other countries, whereas Petitioner's own human rights as a United States citizen are being blocked from a trial by jury on a matter of great importance pertaining to usurpation of the Constitution. So where are Petitioner's rights?

This was not the plan of the founding fathers in the drafting and setting up of the Constitution. The third President of the United States, Thomas Jefferson, who was one of the drafters of this honorable instrument, expresses the basic interpretation of their thinking in his first inaugural address quoted in part as follows:

" --- Freedom of religion; freedom of the press; freedom of person under the protection of the habeas corpus; and trial by juries impartially selected, - these principals form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation ---."

Therefore, a fair trial was very important to the designers of the Constitution, as well as the fact that the Constitution was to be abided by, or if it needed to be changed to fit changing conditions, then it was to be amended. This too was borne out by the founding fathers and a quote from George Washington in his farewell address to the people of the United States dated September 17, 1796 and he being one of the signors of the Constitution is set out as follows:

" --- If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way the

> Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed ---."

Congress and the Executive branch of government have therefore usurped the Constitution through the years by giving away illegally my tax money in the form of foreign loans, aid, grants, gifts, donations, subsidies, guarantees, etc. with one of the more recent being Public Law 101-167 which is a part of this Civil Action and which is not pursuant to the Constitution as specified in Article VI thereof.

Interestingly, the District Court and the Fifth Circuit Court made no mention of examining the copy of Public Law 101-167 to see what it contained which would be important to rendering a decision in this controversy, but merely advocated no standing by Petitioner at the request of the government.

The Petitioner's Cause of Action in the district court is centered around the fact that Congress and the President are not doing their job under a contract (the Constitution) that they have with Petitioner and the other citizens of this country. They are passing illegal laws to support other countries with Petitioner's money and they are not paying the debts of the country as they are mandated to do under their contract (the Constitution) with Petitioner.

That all of the above violations are being allowed to exist because the President and Congress derive many benefits from the illegal foreign aid bills which will be addressed in detail in a trial by jury of unbiased and impartial peers.

Petitioner met with the District Judge assigned to this case on December 4th, 1989 and he refused to issue a temporary restraining order in this case (Appendix C) saying that he had no prior cases of this nature to go by. In other words, he was using the lack of jurisprudence as a rejection of the motion rather than evaluating the case on its merits and relying on his obligation to support the Constitution as he has been sworn to do.

From all of the language in the original Complaint, the Public Law 101-167 itself, the memorandums, and the briefs and the statement of the District Judge that he had no more cases of this nature to go by, that it should have been readily easy to determine that the issues, which have never been contested, should be allowed to be tried before a court of law in front of a jury as requested by Petitioner.

All the quoted jurisprudence by the government and the judges does not apply in this case as the challenge by Petitioner is not against federal expenditures, but illegal violations of the Constitution as to misappropriating and malfeasance of my taxpayer funds. It appears that the judges are influenced by one or more of the following:

1. They are biased in favor of the federal government who appointed and confirmed them as judges.
2. They feel that they work for the federal government.
3. They do not know all the provisions of the Constitution they are sworn to support.
4. They do not plan to abide by the provisions of the Constitution.

Petitioner does have standing for he is a United States citizen and a United States

taxpayer and he has a Cause of Action in which he is being injured due to his tax money being used to illegally support and assist foreign governments and organizations when the money is needed for his own government and this action is usurping the Constitution.

Ironically, in the Senate Committee report connected with Public Law 101-167, there is a listing of 95,5 million dollars in economic and military aid given by the United States to Iraq through the years to fiscal year 1989, which would be illegal and the equipment and supplies derived from that aid, may be being used against us in a war presently being fought between the two countries. By not using his tax money at home, but instead sending it abroad, will cause his taxes to rise for the internal improvements needed but being neglected in order to give money to other governments.

Congress can only appropriate money by laws which are pursuant to the Constitution (Article VI) and the founding fathers who drew up and signed the Constitution did not provide for a struggling, new, sovereign, independent government to provide support for any other government or organization of the world other than our own, and that issue has never been addressed or approved by any subsequent amendment to said Constitution, meaning that individual judicial wording and judgments are not sufficient to amend the Constitution, but can only be done by an Act of Congress and ratified by a three-fourths majority of a national vote of States.

Therefore, this case is too important to be arbitrarily dismissed before being decided by a jury, due to the following reasons:

1. Petitioner would be denied his First Amendment rights to petition the government for a redress of grievances.

2. Petitioner would be denied his day in Court as set out in Section 2, Article III of the Constitution and not allowed to present witnesses and testimony that citizens in a free country should be allowed to do in a court of law.

3. This honorable court would not be supporting the Constitution as they are sworn to do unless they can present a precise section of the Constitution which gives Congress the authority to support foreign governments and organizations with my taxpayer money.

4. Now we are at a point in which the U.S. Supreme Court can exercise their intelligence and show that they took their oaths seriously and will let certiorari exist and remand this case back to a trial by jury where justice

will prevail by an unbiased decision of some nature, rather than having no justice at all.

CONCLUSION

For all the foregoing facts and reasons voiced by Petitioner in his original Complaint, his memorandums and transcript comments in District Court, and his factual briefs submitted to the Appeals Court, and the facts presented in this Petition, a writ of certiorari should be granted in comporting with justice and due process.

This great country could eventually go bankrupt which could be more serious than an attempted enemy invasion, if Congress and the President are allowed to continue to illegally support most of the foreign governments of the world and not pay the debts of the nation as they are mandated to do.

Petitioner can think of nothing more

amazing and unbelievable than he, as a loyal citizen of this great country, would petition my government to keep my tax money in this country to use to support it, as it is supposed to be done, and they would fight me to illegally give it away.

Originally dated: 1/24/91

Re-arranged to fit rules: 2/15/91

Respectfully submitted,



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APPENDIX A

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

Filed by Date: June 1, 1990 2:37 pm

WINSTON C. BABER V. UNITED STATES OF AMERICA	CIVIL ACTION NO. 89-5159 SECTION: "M" (4)

JUDGMENT

Defendant, the United States of America, having filed a motion to dismiss the captioned suit and said motion to dismiss having been granted by the Court on May 25, 1990,

IT IS THE ORDER OF THE COURT that there be judgment in favor of defendant, the United States of America, and against plaintiff, Winston C. Baber, dismissing plaintiff's suit with prejudice.

/s/ PETER BEER
UNITED STATES DISTRICT JUDGE

Date of Entry: June 5, 1990

MINUTE ENTRY
BEER, J.
5/22/90

Filed: 5/25/90 10:54 am

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

WINSTON C. BABER	*	CIVIL ACTION NO.
	*	89-5159
V.	*	
	*	
UNITED STATES OF AMERICA	*	SECTION M
	*	
	*	

The government's motion to dismiss was heard on May 16, 1990. The court took the matter under consideration.

The plaintiff has filed this action in which he seeks to have Public Law 101-167 declared unconstitutional. Public Law 101-167 is the federal foreign appropriations bill. The plaintiff alleges that the provision of money, specificially 14.6 billion dollars, to foreign governments is in violation of the U.S. Constitution. The government brings this motion to dismiss alleging that the plaintiff lacks standing to bring this action.

In Frothingham v. Melton, 262 U.S. 447, 43 S.Ct. 597(1923), the Supreme Court ruled that a federal taxpayer is without standing to challenge the constitutionality of a federal statute. In Flast v. Cohen, 392 U.S. 83, 88 S.Ct. 1942 (1968), the Supreme Court reconsidered the issue and held that there is no absolute bar in Art. III to suits by federal taxpayers challenging unconstitutional federal taxing and spending programs. Id. at 1953. However, the Court added that in order for an individual taxpayer to bring an action challenging an expenditure, they must point to a specific Constitutional provision that the expenditure violates. Thus far, the only individual action which has been allowed to proceed is when the expenditure has been challenged as being in violation of the establishment clause.

In this case the plaintiff fails to point to any specific constitutional provision that the expenditure violates and it is not

enough just for the plaintiff to allege that there is no provision which allows the expenditure. Moreover, the plaintiff certainly makes no allegation that it violates the establishment clause. Therefore, in light of the law, the plaintiff fails to establish standing to challenge the expenditure and therefore the merits of his claim cannot be considered. The government's motion to dismiss is granted. Defendant to prepare and submit judgment to the Court.

/s/ PETER BEER
United States District Judge

Date of Entry: May 25, 1990

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 90-3430
Summary Calendar

WINSTON C. BABER,

Plaintiff-Appellant,

VERSUS

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA 89-5159 M)
(October 29, 1990)

Before GEE, SMITH, and WIENER, Circuit Judges.

PER CURIAM: [1]

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1 Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

BEST AVAILABLE COPY

Plaintiff Winston Baber appeals the district court's dismissal, for lack of standing, of his claim against the United States. Finding no error, we dismiss the appeal as frivolous.

I.

Baber seeks to have Public Law 101-167 declared unconstitutional. That enactment is a bill that makes appropriations for foreign operations, export financing, and related programs for the fiscal year that ended September 30, 1990.

In his complaint, Baber alleged that Public Law 101-167 is illegal because there is no constitutional provision authorizing loans to foreign countries; that such a law changes our form of government from a "free enterprise system: to a socialistic one, increases the size of the national debt as well as the interest on that debt, which is costing the taxpayers, such as Baber, billions of

dollars; and that Congress is mismanaging taxpayers' money. Baber seeks to have this law and all other similar laws declared void; to have Congress be restrained from passing any future legislative acts that would provide aid to foreign countries; to have Congress collect outstanding debts; and to have Congress pay off the national debt. The district court granted the government's motion to dismiss for lack of standing.

II.

"The 'gist of the question of standing' is whether the party seeking relief has 'alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.'" Flast v. Cohen, 392 U.S. 83, 99 (1968) (citation omitted). For a private individual to have standing to challenge a legislative action, he must show that he

"sustained or is immediately in danger of sustaining a direct injury as the result of that action and it is not sufficient that he has merely a general interest common to all members of the public." United States v. Richardson, 418 U.S. 166, 177-78 (1974) (emphasis in original, citation and internal quotation marks omitted). In Frothingham v. Mellon, 262 U.S. 447, 448 (1923), the Court held that for a taxpayer to have standing, he must be able to show that the challenged statute is invalid and that he has sustained or is in immediate danger of sustaining some direct injury as a result of the statute's enforcement.

In Flast, 392 U.S. at 85, the Court reconsidered the issue of taxpayer standing and announced a two-pronged standing test that that requires that the taxpayer (1) challenge an enactment under the taxing and spending clause of U.S. Const. Art. I, § 8; and (2)

claim that the challenged enactment exceeds specific constitutional limitations imposed upon the taxing and spending power. Id. at 102-03. The Court held that taxpayers have standing to challenge a federal statute on the ground that it violates the establishment clause, thus creating a narrow exception to the holding in Frothingham. Flast, 392 U.S. at 105-06.

In the present case, Baber asserts that Public Law 101-167, which allows taxpayers' money to be used for foreign aid thus increasing the national debt, is "illegal" because there is no constitutional provision authorizing loans to foreign countries. He claims that this increased national debt will cost all taxpayers, including himself, billions of dollars. Moreover, he claims that in using tax money for foreign aid, Congress is mismanaging his and other taxpayers' money.

Baber brought an action challenging a federal expenditure but failed to point to a

specific constitutional provision that this federal expenditure violates. Furthermore, his allegations of mismanagement of taxes and increased tax payments resulting from the increased national debt and the interest thereon are common to all members of the public and do not amount to a personal stake in the outcome of the controversy. Therefore, Baber lacks standing, and his suit was properly dismissed.

This appeal is frivolous. Accordingly, it is DISMISSED pursuant to Fifth Cir. Loc. R. 42.2.

Initialled by Judges Gee and Smith
10/22/90

Initialled by Judge Wiener - 10/28/90

BEST AVAILABLE COPY

APPENDIX C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS, LOUISIANA

Filed: November 30, 1989 - 4:52 pm

WINSTON C. BABER	*	CIVIL ACTION NO. 89-5159
VERSUS	*	
UNITED STATES OF AMERICA	*	DIVISION: SECT. M MAG. 4

* *

MOTION FOR TEMPORARY RESTRAINING ORDER AND FOR PRELIMINARY INJUNCTION

Plaintiff moves the Court for a temporary restraining order restraining and a preliminary injunction enjoining the Defendant from proceeding to carry out the provisions of H.R. 3743 (Public Law 101-167) until a final hearing and determination on the merits in this action on the grounds that:

I.

Unless restrained by this Court, the Defendant will carry out the provisions of the said act. In particular, the Defendant

will loan out money and give grants to foreign governments which are not provided for in the Constitution of the United States, and thereby makes said H.R. 3743 (Public Law 101-167) illegal.

II.

Such action by the Defendant will result in irreparable harm to Plaintiff by having his Constitutional rights violated as more particularly set out in the complaint filed in this action and in the Affidavit of Plaintiff, which is attached hereto and made a part hereof.

III.

The issuance of a temporary restraining order followed by a preliminary injunction herein will not cause any material loss to the Defendant, but will prevent irreparable injury, loss, and damage to the Plaintiff.

IV.

This motion is based on all the files, records, and proceedings herein and Affidavits

and exhibits attached to this motion and the complaint filed in this action.

/s/ WINSTON C. BABER
In Proper Person
1400 Pere Marquette Bldg.
New Orleans, LA 70112
(504) 522-4145

C E R T I F I C A T E

I hereby certify that I have given a copy of the foregoing motion to the U.S. Federal Marshall to serve upon the U.S. Attorney for the Eastern District of Louisiana and have placed a copy in the U.S. Mails, first class postage prepaid to the Attorney General of the United States at his address of record herein.

New Orleans, Louisiana, November 30, 1989.

/s/ WINSTON C. BABER

Date of Entry: December 5, 1989

O R D E R

Let there be issued a temporary restraining order in this cause pending a hearing to be held on _____ day of _____, 1989, that restrains the United States Government and/or its employees from proceeding to carry out the provisions of H.R. 3743 (Public Law 101-167).

(Signed with initials) DENIED P.B. 12/4/89
JUDGE

New Orleans, Louisiana

____ day of _____, 1989.